

**NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES**  
**City Council Chambers**  
**Wednesday, February 13, 2013**  
**6:00 p.m.**

**1) CALL MEETING TO ORDER**

The meeting was called to order at 6:00 p.m.

**2) ROLL CALL**

Commissioners: Doug West, Chair  
Brad Avery  
Paul Blank  
David Girling

Absent (Excused): Duncan McIntosh  
Karen Rhyne  
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager

Council Liaison: Council Member Nancy Gardner

**3) PLEDGE OF ALLEGIANCE – Doug West**

**4) PUBLIC COMMENTS**

Chair West invited those interested in addressing the Commission to do so at this time.

Duffy Duffield distributed information to the Commission regarding alternative methods of storing boats on moorings. He requested placing the item on the Commission's agenda for next month's meeting.

Steve Kent, Vice President of Kent Events and Tours, distributed information to the Commission and spoke regarding the possibility of establishing Newport Beach as a port-of-call for cruise ships. He reported identifying several public docks as being available to be used by tenders. He noted that additional information can be obtained at [www.kenteventsandtours.com](http://www.kenteventsandtours.com). Mr. Kent stated that the next step is to convince major cruise lines to use Newport Beach as a port-of-call and he noted that this must come from the City or the Port Authority. Additionally, he commented on an upcoming Annual Cruise Shipping Convention in Miami, Florida and addressed the costs related to participating in the Convention. He hoped that the Commission would support the efforts to have Newport Beach as a port-of-call.

In response to an inquiry from Chair West, Mr. Kent reported contacting the City Manager regarding the matter. Chair West suggested that he contact Gary Sherwin, the Executive Director of Visit Newport Beach.

Council Member Gardner added that Council would want input from the Harbor Commission regarding this matter, that the Commission cannot make a determination on this item tonight, since it is not on the agenda and that it will not meet again until March, after the Convention.

Chair West suggested placing the item on next month's agenda for discussion and consideration.

Harbor Resources Manager Chris Miller indicated that the City's Community Development Department as well as the Director of Public Works would be interested in receiving information as well.

**5) APPROVAL OF MINUTES from January 9, 2013**

Harbor Resources Manager Miller noted that only the Study Session minutes can be approved at this time.

**Motion:** Commissioner Girling made a motion to approve the minutes of the Harbor Commission study session of January 9, 2013, as submitted. Commissioner Avery seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

## **6) CURRENT BUSINESS**

### **1. *2222 Channel Road***

The applicant at 2222 Channel Road proposes installation of dock system outside of the setbacks as defined by the Newport Beach Municipal Code.

#### **Recommendation:**

1. The Harbor Commission approves the proposal to install the dock system outside of the 5 foot setbacks; or
2. The Harbor Commission denies the proposal to install the dock system outside of the 5 foot setbacks.

Harbor Resource Manager Miller provided details of the report including background and previous approval in concept of the proposed project by Harbor Resources. He addressed location and existing conditions and reported that the applicant presented the plan to other regulatory agencies which denied the project as approved by Harbor Resources because of existing eelgrass. He added that the Coastal Commission would not entertain the idea of mitigation on the matter. He added that the property owner has been working with Shellmaker to redesign a dock that would have minimal impact to eelgrass. Mr. Miller presented an example of the concept noting that it has yet to be fine-tuned.

Mr. Miller stated that the applicant is seeking an exception to the City's rule regarding five-foot setbacks for docks. He explained the rule and reported that in order for the applicant to proceed with the Coastal Commission, they must first obtain approval of the revised concept from the Harbor Commission. He added that the applicant has communicated his plans with the neighbors. Mr. Miller reported that as a general rule, he supports the applicant's plan of going to the property line because it does not affect the neighbors and there is no ingress/egress issue.

Discussion followed regarding the purpose of setbacks, the adjacent neighbor docks and the ability of fitting the proposed dock into the available space.

Mr. Miller reported that one of the adjacent neighbors has indicated the he would accept an encroachment to within three feet of the property line. Mr. Miller added that the Commission is being asked to approve the proposal to install the dock system inside the normal 5 foot setbacks.

Chair West invited the applicant to address the Commission.

John Abell, Applicant, explained the original process and addressed measures proposed to the Coastal Commission in order to mitigate eelgrass. He noted that the Coastal Commission indicated they would not approve the plan. The Coastal Commission subsequently denied several revised plans and Mr. Abell reported meeting with Mr. Miller to develop solutions. A concept was eventually approved by the Coastal Commission with a condition that he obtains an approved lay-out from the Harbor Commission. He addressed the location of adjacent docks and stated that maneuverability is not an issue. Mr. Abell reported that his neighbors support the proposed project.

Discussion followed regarding whether the proposal includes a zero or three-foot setback, the possibility of shortening the gangway, the position of the boat at dock and approval of the revised concept by the Coastal Commission.

It was noted that similar projects have been approved by the Harbor Commission and that this is not a precedent-setting ruling.

Ensuing discussion followed regarding the current and proposed site configurations and evaluation of each property on a case-by-case basis by the Harbor Commission and Harbor Resources Department.

Mr. Miller referenced an email dated February 12, 2013, from Dale Franciscan, Mr. Abell's neighbor at 2226 Channel Road, indicating that Mr. Abell has agreed to reduce the width of the proposed pier so that the outermost point would be setback three feet from the prolongation of their joint property line. The author stated no objection to the proposed plan with the stated change.

Mr. Abell reported that whatever is approved by the Harbor Commission must be presented to the Coastal Commission for their subsequent approval.

Members of the Commission commended Mr. Abell for his efforts to accommodate the requirements of the Harbor and Coastal Commissions.

Interested parties were invited to address the Commission on this item.

Jim Mosher wondered if a float is synonymous with a slip and inquired regarding the configuration of Mr. Franciscan's dock.

Mr. Miller reported that often terms such as slips, floats and docks are interchanged and stated that he is unaware of when Mr. Franciscan's dock was built but added that is not the issue before the Commission at this time.

There being no others wishing to address the Commission, Chair West closed public comments for this matter.

Mr. Miller stressed that the decision at this time does not affect any other property in the harbor.

**Motion:** Commissioner Blank made a motion to approve the plan as presented, subject to the southern neighbor's request to setback three feet and that the final design of the dock corresponds to what was presented. Commissioner Girling seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

## **2. *Stand Up Paddle Boarding in Newport Harbor***

Commissioner Blank will report on his research on stand up paddle boarding in Newport Harbor.

### **Recommendation:**

1. The Harbor Commission does not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and
2. The Harbor Commission recommends, with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor.

Commissioner Blank provided a PowerPoint presentation addressing the issue, approach, existing ordinances, location of the Main Channel and Harbor entrance, role of the Harbor Patrol and enforcement, details of a proposed forum on SUP safety in Newport Harbor, conclusions and recommendations.

Interested parties were invited to address the Commission on this matter.

Letty Giang reported speaking with ExplorOcean representatives and that April 7th and 13th are available.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Members of the Commission commended Commissioner Blank for his work and efforts on this matter.

Motion: Commissioner made a motion to not recommend additional restrictions related to stand up paddle boarding in Newport Harbor; and with the help of community volunteers and professionals, conducting a public event in the near future on the subject of water and stand up paddle board safety in Newport Harbor. Commissioner seconded the motion, which carried with 4 ayes and 3 absent (McIntosh, Rhyne, Rodheim). Approved.

Council Member Gardner wondered how the issue will be reported to Council.

Chair West reported that the Harbor Commission will communicate the matter to Council in consultation with Council Member Gardner.

## **7) SUBCOMMITTEE REPORTS**

Commissioner Girling reported that he has been working with Commissioners Avery and Rhyne in consideration of developing the Lower Castaways parcel and addressed community outreach. He addressed background and easements and restrictions within the grant deed including a wireless telecommunications easement, expiration of a use by an existing company of the property and restrictions related to developing a commercial boat marina on the property. He addressed levels of General Plan zoning designations of the property and provided development restrictions under each. He presented examples of some of the ideas generated and reported that the Sub-Committee would like to hold a study session in order to obtain additional public input and ideas before the Commission's next meeting.

Discussion followed regarding the possibility of developing a boat launch on the property, an emergency ramp or creating a hub for biking, hiking and boating, boat storage, a community garden, parking overflow, or a staging area for various events.

Council Member Gardner commented on an existing agreement with the County relative to events held by the Dunes and possible challenges.

Discussion followed regarding the possibility of having the Commission hold a study session or the Sub-Committee noticing a meeting. It was noted that this will be an on-going process.

Ensuing discussion followed regarding the logistics for scheduling a study session prior to the Commission's meeting on March 13, 2013. Staff was directed to schedule a study session on March 13, 2013 at 4:30 p.m.

Chair West reported that the RGP-54 Sub-Committee has been working closely with Harbor Resources and that progress is being made.

## **8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

Council Member Gardner congratulated Mr. Miller on the success of the dredging project and reported receipt of a letter from the Army Corps of Engineers commending Mr. Miller and the City for the work. She added that Council approved the new way of accounting for Tideland Management Funds so that all of the new increases will go into a special fund to be used just on the harbor.

## **9) HARBOR RESOURCES UPDATE – Receive and File**

Mr. Miller reported that the dredging project has concluded and that a survey will be finalized shortly. He addressed work to be done on the City's end and reported on other private dredging in the area.

He addressed distribution of dock rental invoices and announced upcoming Open Houses.

In response to an inquiry from the Commission, Mr. Miller presented information on how to access the City's GIS link on the website.

Regarding RGP-54, Mr. Miller addressed funds allocated by Council in order to hire a consultant to develop a sampling and analysis plan, assemble an application for the next version of the RGP and initiate negotiations with applicable agencies. Mr. Miller reported that the Coastal Resources Management contract has been executed to begin surveying areas of eelgrass. He addressed an upcoming meeting to discuss the City's plan with various agencies.

Discussion followed regarding the allowable dredging areas for private docks. Mr. Miller reported that recent private projects have been done under individual permits.

Discussion ensued regarding the process for handling a high spot on the main navigational channel.

Chair West requested that staff provide a full report to Council of the accomplishments made with the dredging project.

Mr. Miller reported that a presentation will be made to Council in the near future and reported on the possibility of a celebratory event.

Mr. Miller addressed replacement of pump-out stations.

#### **10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

Chair West invited those interested in addressing the Commission on this matter to do so at this time.

Jim Mosher commented on the Lower Castaways study session and added a possible conflict with the Balboa Village Advisory Committee meeting. Additionally, he felt that suggested uses for the property may need to be presented to the Parks, Beaches and Recreation Commission. Regarding sub-committees, he addressed an upcoming item within Council's agenda from the Arts Commission and stated that if sub-committees do not have a mission or ending date, they become standing committees that must be publicly noticed.

There being no others wishing to address the Commission, Chair West closed public comments for this matter.

#### **11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

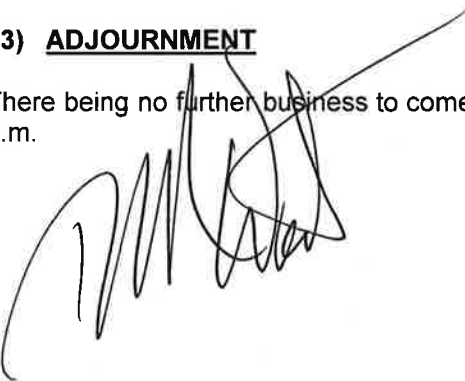
Chair West noted items to be placed on the next agenda as discussed above.

#### **12) DATE AND TIME FOR NEXT MEETING:**

Wednesday, March 13, 2013

#### **13) ADJOURNMENT**

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:47 p.m.

A large, stylized handwritten signature in black ink, likely belonging to the Chair of the Commission, is written over the adjournment text.